

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1008 - SB 1223

February 8, 2023

SUMMARY OF BILL: Expands the definition of course of conduct for purposes of the offense of stalking to include one instance of placing an electronic tracking device on a person or in or on a person's property, unless the electronic tracking device is placed by or at the direction of a law enforcement officer.

FISCAL IMPACT:

Increase Local Expenditures – \$13,800/FY23-24 and Subsequent Years*

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-17-315(a)(1), in regards to the offense of stalking, course of conduct means a pattern of conduct composed of a series of two or more separate, noncontinuous acts evidencing a continuity of purpose, including, but not limited to, acts in which the defendant directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to a person, or interferes with a person's property.
- The proposed legislation expands the meaning of course of conduct to include one instance of placing an electronic tracking device on a person or in or on a person's property, unless the electronic tracking device is placed by or at the direction of a law enforcement officer.
- Pursuant to Tenn. Code Ann. § 39-17-315(b), stalking is a Class A misdemeanor. The offense is enhanced to a Class E felony offense if the defendant, at the time of the offense, is a registered sexual offender, violent sexual offender or violent juvenile sexual offender.
- Based on information provided by the Administrative Office of the Courts (AOC), there has been an average of 31.6 Class A misdemeanor convictions of stalking in each of the last 10 years.
- This analysis assumes that only 10 percent of misdemeanor convictions are at the state court level. As a result, it is estimated that there are 316 convictions (31.6 / 10.0%) per year for Class A misdemeanor stalking.
- According to the Bureau of Justice Statistics National Crime Victimization Survey 2019 report *Stalking Victimization* (NCJ 301735), approximately 14.4 percent of stalking victims reported having their whereabouts tracked with an electronic tracking device or application.

- It is reasonably assumed the proposed legislation will result in an increase of five percent, or 15.8 (316 x 5.0%), Class A misdemeanor stalking convictions.
- It is assumed that an individual convicted of a Class A misdemeanor offense will spend an average of 15 days in a local jail.
- Based on cost estimates provided by local government entities throughout the state and reported bed capacity within such facilities, the weighted average cost per day to house an inmate in a local jail facility is \$58.21.
- The recurring mandatory increase in expenditures to local governments is estimated to be \$13,796 (15.8 x \$58.21 x 15) in FY23-24 and subsequent years.
- Based on information provided by the Department of Correction (DOC), there has been an average of 0.50 admissions in each of the last 10 years for the offense of stalking.
- There will not be a significant change in the number of Class E felony stalking prosecutions for state or local government to experience any significant change in revenue or expenditures.
- Any impact to the court system as a result of the proposed legislation is estimated to be not significant.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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